

# **EXHIBIT D**



Page 10	Page 12
1 A. Not particularly that I can recall.	1 THE WITNESS: Because I rely on his findings to
2 Q. There's also her Complaint.	2 form my general opinions, his findings are important to
3 Is there a reason why you wanted to see the	3 my specific opinions.
4 Complaint that she made in this case?	4 BY MR. AYLSTOCK:
5 A. I thought it was reasonable since I'm going to	5 Q. In what way?
6 be testifying.	6 A. In finding no evidence of polypropylene
7 Q. So other than skimming Ms. Ruiz's deposition,	7 degradation.
8 no other case-specific depositions have you reviewed for	8 Q. Have you reviewed any other expert reports of
9 Ms. Ruiz's case; correct?	9 the plaintiffs or the defendants as it relates to
10 A. Correct.	10 polypropylene degradation?
11 (Plaintiff's Exhibit 5 was marked for	11 A. Yes.
12 identification by the court reporter.)	12 Q. Who else?
13 BY MR. AYLSTOCK:	13 A. I have to look.
14 Q. Exhibit 5 is the report of Dr. Iakovlev for	14 MR. THOMAS: We're getting into the general
15 Ms. Ruiz that was also provided to me by Mr. Thomas.	15 report.
16 Do you recognize that?	16 MR. AYLSTOCK: I know, but you just
17 A. Yes.	17 supplemented with Dr. McLean, so I need to understand.
18 Q. The thumb drive we'll mark as Exhibit 6,	18 If he had answered the question no, I wouldn't be getting
19 materials that were also provided to me by Mr. Thomas.	19 into this, but he answered it, apparently it's important
20 (Plaintiffs' Exhibit 6 was marked for	20 to his case-specific opinions. So I need to know exactly
21 identification by the court reporter.)	21 what degradation materials he finds important for his
22 BY MR. AYLSTOCK:	22 case-specific opinions for Ms. Ruiz.
23 Q. Do you know what materials for Ms. Ruiz are on	23 MR. THOMAS: Different question.
24 the thumb drive that is Exhibit 6?	24 What reports do you find significant to you for
25 A. Yes.	25 your case-specific evaluation of Ms. Ruiz?
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1 Q. What are those, please?	1 THE WITNESS: In that instance, it would be
2 A. The complete medical records. Dr. Iakovlev's	2 Dr. McLean's report alone.
3 report is in there as well.	3 BY MR. AYLSTOCK:
4 Q. Anything else that you know of?	4 Q. I just want to make sure I cover the waterfront
5 A. Dr. McLean's report is in there as well.	5 on that.
6 Q. I don't see that in here.	6 A. Um-hum.
7 A. You don't? Was it in the last one?	7 MR. AYLSTOCK: Off the record.
8 MR. THOMAS: That was the one that was filed,	8 (Recess.)
9 the supplemental reliance list. There's one in the	9 (Plaintiffs' Exhibit 7 was marked for
10 general report, and then there was a supplemental	10 identification by the court reporter.)
11 reliance list. The only reports produced is the Iakovlev	11 BY MR. AYLSTOCK:
12 report specific to this case, the deposition transcripts	12 Q. Now handing you, Doctor, Exhibit 7, which is
13 specific to this case, and the medical records specific	13 your report in the Patricia Ruiz case.
14 to this case.	14 Do you recognize that?
15 BY MR. AYLSTOCK:	15 A. Yes, I do.
16 Q. And Dr. McLean's report is not specific to	16 Q. When were you first contacted about being an
17 Ms. Ruiz; correct?	17 expert in Ms. Ruiz's case on behalf of Johnson & Johnson
18 A. Correct.	18 and Ethicon?
19 Q. Nor is Dr. McLean's report specific to	19 A. The end of last year, 2015, or the beginning of
20 Ms. Loustaunau, for that matter?	20 this year.
21 A. Correct.	21 Q. Who contacted you?
22 Q. And with regard to your case-specific opinions,	22 A. A gentleman by the name of Andy Snowden,
23 you're not relying on Dr. McLean's report for your	23 S-N-O-W-D-E-N.
24 case-specific reports in Ms. Ruiz; correct?	24 Q. What were you told about Ms. Ruiz and her case
25 MR. THOMAS: Object to form.	25 by Mr. Snowden when you were first contacted?

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<p>1 well; correct?</p> <p>2 A. Yes, but the hydrogen peroxide is contained</p> <p>3 within very specific cells.</p> <p>4 Q. Well, some of those cells --</p> <p>5 MR. THOMAS: Are you finished?</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. AYLSTOCK:</p> <p>8 Q. What specific cells are they contained in?</p> <p>9 A. They are contained in macrophages and in</p> <p>10 neutrophils, to name the two most common ones where it is</p> <p>11 contained.</p> <p>12 Q. You don't dispute that upon implantation of the</p> <p>13 TVT-S in Ms. Ruiz, macrophages and neutrophils initially</p> <p>14 in the acute phase attempted to deal with the foreign</p> <p>15 body that was the TVT-Secur in Ms. Ruiz; correct?</p> <p>16 MR. THOMAS: Object to form.</p> <p>17 THE WITNESS: There is inflammation that is</p> <p>18 created by the implantation of the mesh.</p> <p>19 BY MR. AYLSTOCK:</p> <p>20 Q. And that inflammation results in hydrogen</p> <p>21 peroxides being formed by the body in proximity to the</p> <p>22 mesh; correct?</p> <p>23 A. Inside of cells, not outside of cells.</p> <p>24 Q. So because we don't have pathological material</p> <p>25 during the acute phase for Ms. Ruiz, you can't rule out</p>	<p>1 degrades polypropylene, it will destroy the cell next to</p> <p>2 it. There's no question that the cellular membranes are,</p> <p>3 by far, more delicate than polypropylene.</p> <p>4 Q. Do we know, because we don't have pathology</p> <p>5 from the acute phase after implantation, that it did, in</p> <p>6 fact, not destroy some of Ms. Ruiz's cells? How do we</p> <p>7 know that?</p> <p>8 A. Every fiber in this specimen has a continuous</p> <p>9 layer that Dr. Iakovlev claims is bark, every single mesh</p> <p>10 fiber. If there was that much hydrogen peroxide creating</p> <p>11 all of that degradation, it is impossible for that tissue</p> <p>12 to have survived it.</p> <p>13 Q. What is your basis for the fact that it takes a</p> <p>14 specified level of hydrogen peroxide to degrade the</p> <p>15 polypropylene in Ms. Ruiz?</p> <p>16 A. Well, there has to be some; right?</p> <p>17 Q. We don't know, in the acute phase, how much was</p> <p>18 there, do we, if any? You don't know that?</p> <p>19 A. For one thing, Dr. Iakovlev says that in the</p> <p>20 acute phase there is no degradation. He needs a year</p> <p>21 before it shows up. That's what Dr. Iakovlev says.</p> <p>22 Second, as I mentioned, to degrade every single</p> <p>23 fiber, every single fiber, the entire complete fiber of</p> <p>24 every strand of mesh, if it had been caused by hydrogen</p> <p>25 peroxide, this tissue would not be alive.</p>
<p>Page 55</p> <p>1 the fact that these macrophages and neutrophils that were</p> <p>2 present in the acute phase may have created a biological</p> <p>3 situation that resulted in some degradation of her mesh,</p> <p>4 can you?</p> <p>5 A. I completely disagree with that possibility.</p> <p>6 Q. Why is that?</p> <p>7 A. Because it would have caused enough</p> <p>8 extracellular hydrogen peroxide, which is what you need</p> <p>9 if it's going to be exposed to the mesh; right? Just</p> <p>10 because hydrogen peroxide is inside of a cell doesn't</p> <p>11 matter because it can't get out of the neutrophil. It</p> <p>12 can't get out of the macrophage to affect the mesh and</p> <p>13 degrade it. If it's inside the cell, it doesn't matter.</p> <p>14 If it's outside of the cell and it's in sufficient</p> <p>15 quantities to degrade polypropylene, it would destroy the</p> <p>16 cells around it. It would create an abscess.</p> <p>17 Q. What's the basis for your opinion that -- or at</p> <p>18 what quantity in Ms. Ruiz would the hydrogen peroxide</p> <p>19 needed to have been present to destroy the cells?</p> <p>20 A. In far less quantity than it would to degrade</p> <p>21 polypropylene.</p> <p>22 Q. How do you know what quantity it takes of</p> <p>23 hydrogen peroxide to degrade polypropylene? What is that</p> <p>24 number?</p> <p>25 A. I'm not certain, but I'm certain that if it</p>	<p>Page 57</p> <p>1 Q. Well, the body regenerates tissue over time;</p> <p>2 right? Is there some marker that would have been left</p> <p>3 off in the pathological material -- is there some</p> <p>4 marker -- had old cells been killed off by the hydrogen</p> <p>5 peroxide, they wouldn't be there anymore? They would</p> <p>6 have been replaced by new cells; right?</p> <p>7 A. You cannot -- you don't understand. If you're</p> <p>8 saying that in the acute phase there was enough hydrogen</p> <p>9 peroxide there to degrade the polypropylene mesh, that</p> <p>10 tissue would never have healed. It would have been --</p> <p>11 there would have been enough cellular destruction and</p> <p>12 acute inflammation for there to have been a gigantic</p> <p>13 abscess, which does not occur.</p> <p>14 Q. Abscesses don't occur in association with mesh,</p> <p>15 or you're saying it didn't occur in Ms. Ruiz?</p> <p>16 A. It does not occur in the vast majority, in over</p> <p>17 99 percent of patients.</p> <p>18 Q. But it does occur in mesh patients?</p> <p>19 A. Bacterial abscesses, not due to hydrogen</p> <p>20 peroxide.</p> <p>21 Q. Okay. Let me mark your reliance list for</p> <p>22 Ms. Ruiz Number 8.</p> <p>23 (Plaintiffs' Exhibit 8 was marked for</p> <p>24 identification by the court reporter.)</p> <p>25 ///</p>

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<p>1 BY MR. AYLSTOCK:</p> <p>2 Q. You recognize that document?</p> <p>3 A. Yes.</p> <p>4 Q. Is this a document created by counsel for</p> <p>5 Ethicon and Johnson &amp; Johnson?</p> <p>6 A. Yes.</p> <p>7 Q. We went over this for Ms. Loustaunau, but if</p> <p>8 you'll turn to the third to the last page, there's</p> <p>9 Patricia Ruiz case specific, Juan Carlos Felix, reliance</p> <p>10 list.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And it has deposition listed transcript of</p> <p>14 Dr. Buscema and Dr. Kalota.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And you never reviewed those transcripts, did</p> <p>18 you?</p> <p>19 A. I have not.</p> <p>20 Q. So therefore, you didn't rely on them and don't</p> <p>21 intend to rely on them for your opinions in this case;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. There's a section as well with regard to</p> <p>25 documents that you were provided a couple pages back.</p>	<p>1 A. The section before?</p> <p>2 Q. Well, there are a large number of medical</p> <p>3 literature articles.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And these are articles that you reviewed in</p> <p>7 preparation for your report?</p> <p>8 A. Yes.</p> <p>9 Q. And are there any particular articles in this</p> <p>10 reliance list for Ms. Ruiz that you find pertinent to her</p> <p>11 case in particular?</p> <p>12 A. No.</p> <p>13 Q. Same question with regard to the internal</p> <p>14 Ethicon documents, any internal Ethicon document you find</p> <p>15 is particularly pertinent to Ms. Ruiz's case in</p> <p>16 particular?</p> <p>17 A. Not in particular, no.</p> <p>18 Q. The deposition of Dr. Barbolt, did you review</p> <p>19 that deposition?</p> <p>20 MR. THOMAS: In connection with his</p> <p>21 case-specific report, I guess.</p> <p>22 THE WITNESS: I don't recall.</p> <p>23 BY MR. AYLSTOCK:</p> <p>24 Q. Thomas A. Barbolt?</p> <p>25 A. I have to look it up to refresh my memory</p>
<p style="text-align: center;">Page 59</p> <p>1 Do you see that?</p> <p>2 A. Where it says, "Other Materials"?</p> <p>3 Q. "Document Description," right after the medical</p> <p>4 literature.</p> <p>5 A. Yes.</p> <p>6 Q. These were documents selected by Ethicon's</p> <p>7 lawyers to provide to you, internal Ethicon documents; is</p> <p>8 that right?</p> <p>9 A. Correct.</p> <p>10 Q. You didn't ask them for these documents; they</p> <p>11 were sent to you?</p> <p>12 A. Well, I asked them for information regarding</p> <p>13 polypropylene used in TTV.</p> <p>14 Q. And this is the sum total of what you were</p> <p>15 provided for that; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ask them for internal documents related</p> <p>18 to degradation of polypropylene in the TTV family of</p> <p>19 products?</p> <p>20 A. Yes.</p> <p>21 Q. And did you expect them to provide all that</p> <p>22 information to you?</p> <p>23 A. Yes.</p> <p>24 Q. The section before the "Medical Literature"</p> <p>25 section, do you see that?</p>	<p style="text-align: center;">Page 61</p> <p>1 because I did read some depositions here.</p> <p>2 Q. This would have been an Ethicon corporate</p> <p>3 person. He's not a treating physician.</p> <p>4 A. I don't recall.</p> <p>5 Q. It's fair to say, since you didn't review all</p> <p>6 of the deposition transcripts, that this reliance list</p> <p>7 contains things that you actually didn't rely on; fair?</p> <p>8 A. You're correct.</p> <p>9 Q. In your report, you state, in relation to the</p> <p>10 degradation of polypropylene, you state, "There's no</p> <p>11 evidence that this phenomenon occurred in vivo rather</p> <p>12 than as an artifact of processing."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. What did you mean by that?</p> <p>16 A. When tissues are processed for paraffin</p> <p>17 embedding and eventual sectioning, they go through a</p> <p>18 series of alcohols and organic solvents. Organic</p> <p>19 solvents have been shown to degrade polypropylene.</p> <p>20 Specifically xylenes have been shown to degrade</p> <p>21 polypropylene, and all of these tissues have gone through</p> <p>22 that processing.</p> <p>23 Q. Is that what you claim is being seen in</p> <p>24 Dr. Iakovlev's photomicrographs with the polarized light?</p> <p>25 A. It's one of several possibilities.</p>